

TOWN BOARD MEETING

WEDNESDAY, APRIL 2, 2008; 7:00 P.M.
 NEW WINDSOR TOWN HALL
 NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey, Councilwoman Biasotti, Councilman Lundstrom

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Highway Superintendent Fayó, Town Attorney Blythe, Deputy Police Chief Hovey

ABSENT: Councilwoman Weyant

SALUTE TO FLAG

Supervisor Green called to order the Town Board meeting and presided over same.

#1 On Agenda: Minutes

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor approve the minutes of the BRAC Presentation, the minutes of the public hearing regarding the Extension to Ambulance District, and the minutes of the Town Board meeting held on March 5, 2008, as per the copies posted on the Town Clerk's bulletin board in the Town Hall, and same distributed to each of the Town Board members.

Roll Call: All Ayes

Motion Carried: 4-0

UNFINISHED BUSINESS**HIGHWAY DEPARTMENT****#2 On Agenda: Receive And File Fully Executed Agreement With NYS DOT- Purchase Of Used Bucket Truck**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a fully executed Agreement with New York State Department of Transportation in the amount of \$65,000 for the purchase of a used bucket truck.

#3 On Agenda: Receive And File Inter-Municipal Agreement For Pavement Markings On Non County Roads – 2008 Season

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the Inter-Municipal Agreement for pavement markings on non-county roads for the 2008 Season.

#4 On Agenda: Motion – Authorize Supervisor To Execute Contract Agreement– NYS DOT – Shore Road

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize Supervisor Green to execute contract (DO26509) between Town of New Windsor and New York State Department of Transportation for funding in the amount of \$100,000.00 for pavement restoration, shoulder widening and drainage improvements on Shore Road between Route 9W and the Town of Cornwall line.

Roll Call: All Ayes

Motion Carried: 4-0

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WATER DEPARTMENT

#5 On Agenda: Motion – Authorize Final Payment To CA Phillips – Union Avenue Pump Station Project

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize final payment for the Union Avenue Pump Station project (MHE Job No. 02-142) to C.A. Phillips Construction, Inc., 1339 State Route 55, Eldred, New York, in the amount of \$25,132.13.

Roll Call: All Ayes

Motion Carried: 4-0

#6 On Agenda: Receive and File NYS DEC SPDES Permit – St. Anne's Well

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the New York State Department of Environmental Conservation SPDES Permit for the St. Anne's Well, corner of St. Anne's Drive and Hudson Drive.

SANITATION DEPARTMENT

GENERAL

#7 On Agenda: Motion – Adopt Resolution Opposing Certain Initiatives – Commission On Local Government Efficiency & Competitiveness

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adopt the attached Resolution opposing the enactment of those initiatives contained in the 2008/2009 New York State Executive Budget which would promote the transfer of authority and responsibility of governmental functions from towns to counties; and further opposes the elimination of the elected position of Tax Receiver.

Roll Call: All Ayes

Motion Carried: 4-0

#8 On Agenda: Receive And File Letter Of Resignation – Zoning Board Of Appeals

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a letter of resignation from Zoning Board of Appeals member, Kimberly Volpe, effective March 4, 2008.

#9 On Agenda: Motion - Appoint To Zoning Board Of Appeals – K. James Dittbrenner

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor appoint K. James Dittbrenner, 367 Windsor Highway, New Windsor, New York to the Town of New Windsor Zoning Board of Appeals to fill the unexpired term of Kimberly Volpe. Term shall begin immediately and expire December 31, 2009.

Roll Call: All Ayes

Motion Carried: 4-0

#10 On Agenda: Motion - Authorize Supervisor To Sign Contract Renewal Agreements – CAMO Pollution Control, Inc.

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to sign Contract Renewal Agreements with CAMO Pollution Control, Inc. for January 1, 2009 through December 31, 2013.

Roll Call: All Ayes

Motion Carried: 4-0

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#11 On Agenda: Motion - Authorize Supervisor To Request Enactment Of Special Law Designating Court Officers Employed By New Windsor Town Court As Peace Officers

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, certain employees of the Town Court of the Town of New Windsor are currently serving as uniformed court officers at the Town Court; and,

WHEREAS, it is the desire of the Town Board of the Town of New Windsor to designate such employees serving in that capacity as peace officers pursuant to CPL 2.10; now therefore

BE IT RESOLVED:

1. That the Town Board of the Town of New Windsor authorize the Supervisor, pursuant to Municipal Home Rule Law Section 40, to request the Legislature of the State of New York for a Special Law designating employees of the Town Court of the Town of New Windsor serving as uniformed court officers at such Court to be peace officers pursuant to CPL 2.10; and be it further resolved that:

2. That the Town Attorney is directed to prepare the Home Rule Request to be executed by the Supervisor and forwarded to the appropriate Legislator.

Roll Call: All Ayes

Motion Carried: 4-0

#12 On Agenda: Motion - Adopt Order Calling Public Hearing – Establish Drainage District #14, Meadowbrook Estates

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt an Order Calling Public Hearing to be held on May 7, 2008, at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m. to establish Drainage District #14, Meadowbrook Estates, in accordance with the resolution attached hereto.

Roll Call: All Ayes

Motion Carried: 4-0

#13 On Agenda: Motion – Resolution Adopting Official Undertakings – Establishment Of Form And Manner Of Execution

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, Public Officers Law Section 11 and Town Law Section 25 require that certain public officials post formal Undertakings to ensure the faithful discharge of their duties; and

WHEREAS, both Public Officers Law Section 11 and Town Law Section 25 require said Undertakings to be approved by the Town Board of the Town of New Windsor as to amount, form and manner of execution; and

WHEREAS, the Town Board of the Town of New Windsor by Resolution dated December 5, 2007, established the amounts of Undertakings to be posted on behalf of certain town officials; and

WHEREAS, it is now the desire of the Town Board of the Town of New Windsor to establish both the form and manner of execution of said Undertakings; now therefore

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BE IT RESOLVED by the Town Board of the Town of New Windsor that Official Undertakings required of all Town Officials shall be posted with the Town Clerk in accordance with the attached form and executed in a manner to be prescribed by the Town Clerk.

Roll Call: All Ayes

Motion Carried: 4-0

#14 On Agenda: Motion - Authorize Execution Of Short Form EAF And Special State Grant – NYS Office Of Parks, Recreation And Historic Preservation (Mt. Airy Sports Complex)

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize Supervisor Green to execute the short form environmental assessment form and all other related documents in connection with \$35,000.00 grant from New York State Office of Parks and Recreation and Historic Preservation (Grant #PKS-07-PA-024) for fencing at Mt. Airy Sports Complex.

Roll Call: All Ayes

Motion Carried: 4-0

#15 On Agenda: Motion – Authorize Execution Of Intermunicipal Cooperation Agreement – Orange County Municipal Parks Planning Program

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize Supervisor Green to execute attached Agreement between Town of New Windsor and County of Orange for funding to support the creation and enhancement of local parks and other recreational, historic and/or cultural facilities in the amount of \$35,000.00.

Roll Call: All Ayes

Motion Carried: 4-0

#16 On Agenda: Motion - Authorize Supervisor To Execute Land Lease-Federal Aviation Administration (FAA) - Radar Tower

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize Supervisor Green to execute a Land Lease between Town of New Windsor and Federal Aviation Administration (FAA) for a certain parcel of land owned by Town of New Windsor, tax map Section 3, Block 1, Lot 50.2, to permit FAA to operate a radar tower for the benefit of Stewart Airport.

Roll Call: All Ayes

Motion Carried: 4-0

#17 On Agenda: Receive and File Memorandum Of Understanding – Stewart Terrace

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Memorandum of Understanding between Town of New Windsor and Atlantic Marine Corps Communities, LLC, dated February 6, 2008, and directs the Town Attorney to record the same in the Orange County Clerk's office.

#18 On Agenda: Receive and File Agreement - Payment In Lieu Of Taxes (PILOT) – Stewart Terrace

Hearing no objection, the Town Board of the Town of New Windsor receive and file Agreement, Payment in Lieu of Taxes (PILOT) between Town of New Windsor and Atlantic Marine Corps Communities, LLC, dated February 6, 2008, and direct the Town Attorney to record the same in the Orange County Clerk's office.

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#19 On Agenda: Motion - Authorization To Advertise For Sealed Bids – Sewer Treatment Plant Odor Control Project

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise pursuant to law, for sealed bids for the Odor Control Project at the Town of New Windsor Sewer Treatment Plant. Bids shall be received and publicly opened on the 29th day of April 2008 at 11:00 A.M. at the office of the Town Clerk, 555 Union Avenue, New Windsor, New York. The Town Board of the Town of New Windsor reserves the right to reject any and/or all bids.

Roll Call: All Ayes

Motion Carried: 4-0

#20 On Agenda: Motion - Authorize Supervisor To Execute Collective Bargaining Agreement – Patrolmen's Benevolent Association

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Supervisor to execute a Collective Bargaining Agreement (CBA) and all related documents between Town of New Windsor and the Patrolmen's Benevolent Association of New Windsor, New York, Inc., (PBA), the terms of which shall commence January 1, 2008 and expire on December 31, 2010.

Roll Call: All Ayes

Motion Carried: 4-0

#21 On Agenda: Motion - Authorize Renewal Of Solicitors Permit – Veteran – Nicholas Minutolo

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the renewal of a Solicitor's Permit submitted by veteran Nicholas Minutolo, 23 Coach House Court, New Windsor, New York, to sell hot dogs, burgers, eggs, chips and soda in the Town of New Windsor on Section 4, Block 3, Lot 17.6. Permit shall be obtained from the Town Clerk's office; permit fee shall be waived.

Roll Call: All Ayes

Motion Carried: 4-0

#22 On Agenda: Motion - Authorize Renewal Of Solicitor's Permit – Omar M. Jabbour

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the renewal of a Solicitor's Permit submitted by Omar M. Jabbour, 67-2 Barclay Plaza, New Windsor, New York, to sell pre-packaged ice cream/soft serve in the Town of New Windsor. Permit shall be obtained from the Town Clerk's office.

Roll Call: All Ayes

Motion Carried: 4-0

#23 On Agenda: Motion - Authorize Renewal Of Solicitor's Permit – Veteran – George & Theresa Hopkins

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the renewal of a Solicitor's Permit submitted by veteran George Hopkins d/b/a/ Hill Top Wagon, Route 94, PO Box 31, Vails Gate, New York, to sell hot dogs, canned soda and chips on Route 94 at the Vails Gate Cycle Shop. Permit shall be obtained from the Town Clerk's office; permit fee shall be waived.

Roll Call: All Ayes

Motion Carried: 4-0

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**#24 On Agenda: Motion - Authorize Renewal Of Solicitor's Permit –
Mohammed A. Jaradat**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the renewal of a Solicitor's Permit submitted by Mohammed A. Jaradat, PO Box 2066, Newburgh, New York, to sell packaged ice cream throughout the Town of New Windsor. Permit shall be obtained from the Town Clerk's office.

Roll Call: All Ayes

Motion Carried: 4-0

**#25 On Agenda: Motion - Authorize Supervisor To Execute Contract -
Turner Miller Group – Comprehensive Plan And Land Use
Regulations**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize Supervisor Green to execute contract between Town of New Windsor and Turner Miller Group for Comprehensive Plan and Land Use Regulations, not to exceed \$40,000.00.

Roll Call: All Ayes

Motion Carried: 4-0

**#26 On Agenda: Motion - Authorize Supervisor To Execute Contract –
Turner Miller Group – Pre-Disaster Mitigation Plan**

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize Supervisor Green to execute contract between Town of New Windsor and Turner Miller Group for Pre-Disaster Mitigation Plan, not to exceed \$30,000.00, to address mitigation of potential natural hazards including flood, wind, fire and geologic hazards in the Town.

Roll Call: All Ayes

Motion Carried: 4-0

Supervisor Green acknowledged the excellent job that Jessica Marina, a paralegal in the Town Attorney's office, did in writing up and submitting this grant for the Town.

**#27 On Agenda: Receive and File Petition And Map, Plan And Report -
Proposed Extension #3 Of Ambulance District
(Meadowbrook Estates)**

Hearing no objection, the Town Board of the Town of New Windsor receive and file petition and map, plan and report, dated March, 2008, for proposed extension #3 of the Ambulance District (Meadowbrook Estates).

28 On Agenda: Officials Reports

The following reports were received, recorded and filed with the Town Clerk:

Fire Prevention	Month of March 2008
Justice Court – Richard W. Thorpe	Month of March 2008
Justice Court – Donald J. Suttlehan	Month of March 2008
Recreation Department	Month of March 2008
Town Clerk	Month of March 2008

29 On Agenda: Public Forum

Supervisor said he had some comments to make before opening up the public forum portion of the meeting. First he wanted to publicly acknowledge the excellent job being done by employee Ken Garzione in cleaning up litter from around town property and from all the roadsides throughout town. He also said it was disgraceful that three days after Mr. Garzione cleaned up Moore's Hill Road, it was again full of litter thrown by passing motorists.

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Leo Braun asked if the petition he had signed several days ago at the Tax Receiver's office had anything to do with agenda item #7. Supervisor Green said that yes, besides the resolution the Town Board just adopted this evening, a petition was available for signing in opposition to the former Governor's plan. He said the former Governor had an initiative for consolidation of services and he wanted both tax receivers and assessors to come under county government rather than town government and to do away with the elected office. Supervisor Green said that he relies heavily on people like our tax receiver and our assessor, both of whom spend many hours doing research and compiling information on different projects for him and if these offices were moved out to Goshen, this information would be much harder to come by. This proposed initiative also takes away a voter's right to choose their representation.

Leo Braun also said that several years ago, the City of New York was supposed to be obtaining a part for the aqueduct and he wanted to know if the Town has heard any word about this. Supervisor Green said he has not heard anything from the NYC DEP although the Town of New Windsor, the City of Newburgh, the Town of Newburgh and the County have all been trying to set up a meeting on issues regarding the aqueduct and the DEP has not responded.

Hearing no one else wishing to speak, the Supervisor entertained a motion to close the public forum.

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

Roll Call: All Ayes

Motion Carried: 4-0

30 On Agenda: Adjourn

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:25 p. m.

Roll Call: All Ayes

Motion Carried: 4-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc